

**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

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BIGLER JOBE STOUFFER, II,

Petitioner - Appellant,

v.

MARTY SIRMONS, Warden,  
Oklahoma State Penitentiary,

Respondent - Appellee.

No. 07-6303  
(D.C. No. 07-CV-1312-C)  
(W.D. Okla.)

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**ORDER**

Filed January 4, 2008

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Before **TACHA, BRISCOE**, and **MURPHY**, Circuit Judges.

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This court lacks jurisdiction over this appeal because the order being appealed is not final or otherwise immediately appealable.

The plaintiff appeals an order of the district court denying his request to proceed pro se. The matter is on-going in the district court.

This court has jurisdiction to review only final decisions, 28 U.S.C. § 1291, and specific types of interlocutory orders not applicable here. A final decision is one that “ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.” *Cunningham v. Hamilton County*, 527 U.S. 198, 204

(1999) (quoting *Van Cauwenberghe v. Biard*, 486 U.S. 517, 521-22 (1988)). The district court's order may be appealed after the entry of final judgment. *See, e.g., United States v. McKinley*, 58 F.3d 1475 (10th Cir. 1995) (on appeal from final judgment, reversing the district court's decision denying the defendant's right to proceed pro se).

Accordingly, this appeal is **DISMISSED**.

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Ellen Rich Reiter".

Ellen Rich Reiter  
Deputy Clerk/Jurisdictional Attorney